

COMMONWEALTH of VIRGINIA

Board of Education Agenda



Date of Meeting: February 23, 2005

Time: As Shown

Location: Conference Rooms D & E, James Monroe State Office Building
101 North 14th Street, Richmond, Virginia

9:00 a.m. FULL BOARD CONVENES

Moment of Silence

Pledge of Allegiance

Approval of Minutes of the January 12, 2005 and January 19, 2005, Meetings of the Board

Resolutions/Recognitions

- Resolution of Recognition presented to the Hopewell City Public Schools, Virginia's Highly Distinguished Title I Division
- Presentation of Commemorative Ornaments on Behalf of Virginia's Schoolchildren Who Participated in the 2004 Capitol Holiday Tree Project

Public Comment

Action/Discussion on Board of Education Regulations

- A. First Review of Regulations Governing the Re-enrollment of Students Committed to the Department of Juvenile Justice (8 VAC 20-660-10 et seq.)

Action/Discussion Items

- B. First Review of a Request for a Waiver of a Provision in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*
- C. First Review of Revisions of Industry, Professional, or Trade Association Certification Examinations and Occupational Competency Assessments to Meet the Requirements for the Board of Education's Career and Technical Education and Advanced Mathematics and Technology Seals and the Student-Selected Verified Credit
- D. First Review of a Resolution to Grant the Superintendent of Public Instruction Authority to Approve the Issuance of Certain Licensure Requests on Behalf of the Board of Education

Action/Discussion Items (continued)

- E. First Review of a Recommendation to Continue Program Approval of the Teacher Education Preparation Program at Ferrum College
- F. First Review of Praxis I Cut Scores Proposed by the Advisory Board on Teacher Education and Licensure (ABTEL)

Reports

- G. Report on K-12 Legislation Considered by the 2005 General Assembly Session
- H. Report from the Board of Education's Charter School Application Review Committee on a Proposed Public Charter School Application
- I. Report from the Board of Education's Student Advisory Committee
- J. Report on Status of Proposed Amendments to Virginia's Consolidated State Application Accountability Plan Required in the *No Child Left Behind Act of 2001*

DISCUSSION OF CURRENT ISSUES - by Board of Education Members and Superintendent of Public Instruction

ADJOURNMENT

PUBLIC NOTICE

The Board of Education members will meet for dinner at 6:30 p.m. at the Crowne Plaza Hotel on Tuesday, February 22, 2005. Items for the Board agenda may be discussed informally at that dinner. No votes will be taken, and it is open to the public. The Board president reserves the right to change the times listed on this agenda depending upon the time constraints during the meeting.

GUIDELINES FOR PUBLIC COMMENT

1. The Board of Education is pleased to receive public comment at each of its regular monthly meetings. In order to allow the Board sufficient time for its other business, the total time allotted to public comment will generally be limited to thirty (30) minutes. Individuals seeking to speak to the Board will be allotted three (3) minutes each.
2. Those wishing to speak to the Board should contact Dr. Margaret Roberts, Executive Assistant for Board Relations at (804) 225-2924. Normally, speakers will be scheduled in the order that their requests are received until the entire allotted time slot has been used. Where issues involving a variety of views are presented before the Board, the Board reserves the right to allocate the time available so as to insure that the Board hears from different points of view on any particular issue.
3. Speakers are urged to contact Dr. Roberts in advance of the meeting. Because of time limitations, those persons who have not previously registered to speak prior to the day of the Board meeting cannot be assured that they will have an opportunity to appear before the Board.
4. In order to make the limited time available most effective, speakers are urged to provide multiple written copies of their comments or other material amplifying their views.

Board of Education Agenda Item

Item: A.

Date: February 23, 2005

Topic: First Review of Regulations Governing the Re-enrollment of Students Committed to the Department of Juvenile Justice (8 VAC 20-660-10 et seq.)

Presenter: Dr. Cynthia A. Cave, Director, Office of Student Services

Telephone Number: 804-225-2818

E-Mail Address: Cynthia.Cave@doe.virginia.gov

Origin:

☐ Topic presented for information only (no board action required)

☐ Board review required by

☒ State or federal law or regulation

☐ Board of Education regulation

☐ Other: _____

☒ Action requested at this meeting ☐ Action requested at future meeting: _____ (date)

Previous Review/Action:

☐ No previous board review/action

☒ Previous review/action

date September 22, 2004

action Approval of Notice of Intended Regulatory Action (NOIRA) to Promulgate Regulations Governing Re-enrollment Plans

Background Information:

Section 22.1-17.1 of the Code establishes the responsibility of the Board of Education to promulgate regulations for the re-enrollment of children who have been in the custody of the Department of Juvenile Justice (DJJ) into the public schools as follows:

§ 22.1-17.1. Regulations for reenrollment.

The Board of Education, in cooperation with the Board of Correctional Education, shall promulgate regulations for the reenrollment in the public schools of children who have been in the custody of the Department of Juvenile Justice. Such regulations shall include the components required in a reenrollment plan and shall provide for consistency in the curricula, standards and policies between the educational programs required by this title, and those of the Board of Correctional Education.

The re-enrollment plan's purpose is to facilitate sharing of information about a student's record and the planning for placement in public schools upon release from correctional facilities, in order that educational services continue without disruption. Preparation of the re-enrollment plan relies on communication and information sharing among school divisions, DJJ juvenile correctional and court services units, and the Department of Correctional Education (DCE) juvenile schools (§ 16.1-293 and § 22.1-17.1 of the Code).

Subsequent to the enactment of § 22.1-17.1, the Departments of Education, Correctional Education, and Juvenile Justice developed model re-enrollment procedures and provided statewide training on re-enrollment planning. In 2000, the Department of Criminal Justice Services (DCJS) funded an evaluation of the re-enrollment process and plan by the College of William and Mary. The study included a survey of persons involved in implementation of the model plan procedures, focus groups, and interviews with parents. Recommendations from the evaluation included the need for revisions to procedures and additional staff training on the re-enrollment planning process. An interagency planning committee with representatives from DOE, DCE, DJJ, and school divisions revised the re-enrollment planning procedures and trained school divisions staff, DCE guidance counselors, transition specialists, and probation/parole officers in 2003.

The evaluation of the process provided information that was used by an interagency committee with representatives from DCE, DJJ, DOE, and school divisions in the drafting of regulations that were brought before the Board of Education in 2002. The draft regulations were authorized by the Board of Education for continuation in the promulgation requirements of the Administrative Process Act. However, the required review process was not completed within the necessary time period, and the regulations could not be brought before the Board of Education for final adoption.

On September 22, 2004 the Board of Education approved a Notice of Intended Regulatory Action for *Re-enrollment in Public Schools of Children in the Custody of the Department of Juvenile Justice*. A Re-enrollment Task Force of 16 members was convened and met on October 25, 2004 to discuss re-enrollment and areas of concern. The members include a parent, an involved citizen, an advocate from JustChildren, a principal from the public schools, a principal from an alternative school, an administrator for student conduct who handles transition in a school division, a principal in a juvenile correctional center high school, parole officers, and representatives from the Department of Correctional Education, the Department of Juvenile Justice, and the Department of Education.

The task force discussed the requirements of the Code, the work that had been done thus far to establish procedures for re-enrollment and coordination among agencies and the school divisions, and the process that currently takes place. Issues were identified that affect the success of transitioning from the school division to the juvenile justice system and back into the school system in terms of continuity for the student's education. Using the list of issues as a framework, a representative subcommittee of the full task force drafted regulations, which were reviewed by the entire task force. Subsequent revisions in response to the comments of task force members produced the proposed regulations.

The goals of the regulations include the following:

- Creating a positive impact on the family, the student, court services, school divisions and correctional centers, as they are seeking to continue the student's education upon his or her release from a juvenile correctional center

- Providing for consistency in curricula, standards and policies between all educational programs
- Providing for the timely transfer of information between court services, school divisions and correctional centers

Summary of Major Elements:

The proposed regulations are organized into five sections:

- The Foreword, which explains its purpose and goals
- Part I, which provides definitions of terms
- Part II, which presents the minimum components of the re-enrollment plan
- Part III, which delineates the re-enrollment process, procedures, and responsibilities of participating agencies and school divisions.
- Part IV, which provides the procedures for the maintenance and transfer of the scholastic record

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education waive first review and approve the proposed *Regulations Governing the Re-enrollment of Students Committed to the Department of Juvenile Justice* and authorize staff of the Department of Education to proceed with the remaining steps required by the Administrative Process Act.

Impact on Resources:

The impact on resources is not expected to be significant.

Timetable for Further Review/Action:

The timelines of the Administrative Process Act will be followed.

VIRGINIA BOARD OF EDUCATION

Title of Regulation: Regulations Governing the Re-enrollment of Students Committed to the Department of Juvenile Justice
8 VAC 20-660-10 *et seq.*

FOREWORD

The Code of Virginia through § 22.1-17.1 establishes the responsibility of the Board of Education, in cooperation with the Board of Correctional Education, to promulgate regulations for the re-enrollment in the public schools of children who have been in the custody of the Department of Juvenile Justice, as follows:

The Board of Education, in cooperation with the Board of Correctional Education, shall promulgate regulations for the reenrollment in the public schools of children who have been in the custody of the Department of Juvenile Justice. Such regulations shall include the components required in a reenrollment plan and shall provide for consistency in the curricula, standards and policies between the educational programs required by this title, and those of the Board of Correctional Education.

It is the intent of the Board of Education, through these regulations, to:

- Create a positive impact on the family, the student, court services, school divisions and correctional centers, as they are seeking to continue the student's education upon his or her release from a juvenile correctional center
- Provide for consistency in curricula, standards and policies between all educational programs
- Provide for the timely transfer of information between court services, school divisions and correctional centers
- Provide students with timely involvement in appropriate educational programs, both while in the correctional center and local school divisions upon release from the correctional center
- Encourage dissemination of information about, and increase public knowledge about, these regulations and the re-enrollment procedures overall
- Enhance communication, cooperation, and coordination of services among the public systems required to provide for the educational needs of juvenile parolees

It is the goal of the Board of Education, through these regulations, to identify and define the roles and responsibilities of the participants and the required components of the re-

enrollment plan and its implementation. Improving the re-enrollment process should facilitate the attendance and continued educational progress of students.

PART I DEFINITIONS

8 VAC 20-660-10. Definitions.

The following words and terms, when used in this chapter, shall have the following meaning, unless the text clearly indicates otherwise:

“Educational programs” means educational programs that are designed to provide educational services to students who are subject to compulsory school attendance and are receiving such services in school divisions, juvenile correctional centers, jails, juvenile detention homes, or state operated programs.

“Final re-enrollment plan” means the written documentation developed by the receiving school division that addresses the student’s education program, placement, and support services upon re-enrollment.

“Preliminary re-enrollment plan” means the written documentation for a person to be released from Department of Juvenile Justice custody who is of compulsory school attendance age or is eligible for special education services pursuant to § 22.1-213 of the Code of Virginia. The plan describes the student’s educational history while in the custody of the Department of Juvenile Justice, current status, identification of school placement upon release, recommendations for an education program following re-enrollment, and recommendations for student supports, such as counseling services.

“Receiving school division” means the school division or state operated program where a student will enroll upon release from the custody of the Department of Juvenile Justice.

“Re-enrollment coordinator” means the school division or state operated program staff person designated to work with the parole officer, the Department of Correctional Education, the transition team, and the re-enrollment team to coordinate the development of the re-enrollment plan.

“Re-enrollment team” means the group convened by the division superintendent or designee of the receiving school division to prepare for and implement the re-enrollment of the student. The re-enrollment team shall include, at a minimum, the guidance counselor, the special education director as appropriate, the principal or assistant principal if designated, the re-enrollment coordinator, and the parole officer. The student’s parent(s) or legal guardians(s) and the school social worker or psychologist shall be invited to participate in meetings of the re-enrollment team.

“Scholastic record” means records that are directly related to a student and that are maintained by an educational agency or institution or by a party acting for the agency or institution. These include, but are not limited to, documentation pertinent to the educational growth and development of students as they progress through school, the high school transcript, student disciplinary records, achievement and test data, cumulative

health records to include immunization records, reports of assessment for eligibility for special education services, and Individualized Education Programs (IEPs).

The term “scholastic record” does not include records of instructional, supervisory, administrative, and ancillary educational personnel that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person except a temporary substitute for the maker of the record. Also, in accordance with 22.1-289 of the Code of Virginia, a notice of adjudication or conviction received by a superintendent relating to an incident that did not occur on school property or during a school-sponsored activity shall not be part of a student’s scholastic record.

“Transition team” means the Department of Correctional Education (DCE) principal or assistant principal, the DCE counselor, the DCE transition specialist, the Juvenile Correctional Center counselor, and the student’s parole officer. This team assembles the student’s scholastic record and other relevant documents, develops the preliminary re-enrollment plan, and provides information and the preliminary plan to the receiving school division. Transition team members may also include the school division of origin for the student, if different from the receiving school division, and the re-enrollment coordinator. Transition team members may also be part of the re-enrollment team.

Part II
RE-ENROLLMENT PLAN COMPONENTS

8 VAC 20-660-30. Re-enrollment Plan Components.

A. Re-enrollment plans shall include but not be limited to:

1. Educational status and recommendations at commitment
2. Educational status and recommendations of the Department of Correctional Education during the student's stay at the Reception and Diagnostic Center
3. Educational status and recommendations while in the custody of the Department of Juvenile Justice
4. Educational and re-entry goals for the student
5. Other student supports needed to promote the student's successful re-entry to public school, such as counseling services
6. Anticipated dates and timelines for scheduled release to the receiving school division or for court review of the case, and for re-enrollment
7. Establishment of school placement upon release

PART III
RE-ENROLLMENT PROCESS AND RESPONSIBILITIES

8 VAC 20-660-40. Re-enrollment Process and Responsibilities.

A. Notification and Convening of Teams.

1. The Department of Juvenile Justice, through the Juvenile Correctional Center's counselor, shall provide written notification to the Department of Correctional Education principal or designated educational authority at least 30 calendar days prior to the scheduled release of a student or a scheduled case review in court.
2. Upon notification, the transition team shall prepare and assemble the documents and scholastic record that support the development of the re-enrollment plan. Also upon notification, the Department of Correctional Education will provide a letter of pending release and an informative outline of the re-enrollment process within five business days to the re-enrollment coordinator for the receiving school division and the student's parent(s) or guardian(s). The school division shall confirm receipt of notification with the Department of Correctional Education within five business days.
3. At least 25 calendar days prior to the court review or pending release of a student, and after review with the student, the Department of Correctional Education shall forward the student scholastic record and a preliminary re-enrollment plan to the school division re-enrollment coordinator.
4. Within 10 business days of receipt of the materials, the re-enrollment coordinator shall convene the re-enrollment team to review the preliminary re-enrollment plan and develop the final plan. The student's parent(s) or legal guardian(s) shall be invited by the re-enrollment coordinator to attend a meeting where the final re-enrollment plan will be developed. The parent(s) or legal guardian(s) may designate a member of the transition team, or someone else, to represent him or her at the meeting.
5. Notice of the scheduled meeting to develop the re-enrollment plan will be given to all potential participants by the receiving school division a minimum of one week prior to the meeting.
6. Other individuals who have knowledge or expertise regarding the student may participate, at the discretion of the members of the re-enrollment team or parent(s) or legal guardian(s), or if the student is of majority age and eligible for special education services, at the discretion of the student.

B. Development of Final Re-Enrollment Plan.

1. The re-enrollment team shall develop a final re-enrollment plan that clearly states:
 - a. The educational placement of the student and timeframe for placement
 - b. The names of persons with responsibility and authority for prompt enrollment and their contact information
 - c. The student's scheduled academic program and other supportive activities or services as appropriate
 - d. The names of the members of transition and re-enrollment teams
 - e. Any other required components
2. Copies of the final plan shall be provided to the student, parent(s) or legal guardian(s), and to all transition and re-enrollment plan members no later than 10 calendar days prior to release.

C. Re-enrollment.

1. The re-enrollment plan shall make it possible for the student to enroll and receive instruction in the receiving school district within two school days of release.
2. After the Department of Juvenile Justice gives notice of a student's scheduled release, the student may not be suspended or expelled from school programs for the offenses for which he or she was committed.
3. Placement of students in alternative education programs shall be in accordance with § 22.1-277.2 of the Code of Virginia.

PART IV
MAINTENANCE AND TRANSFER OF THE SCHOLASTIC RECORD

8 VAC 20-660-50. Maintenance and Transfer of the Scholastic Record.

- A. Within two business days of the court's order of commitment to the Department of Juvenile Justice, the student's probation/parole officer will request the scholastic record from the school division where the student was last enrolled.
- B. The re-enrollment coordinator for that school division will provide the record and any other requested information to the Reception and Diagnostic Center to the attention of the Department of Correctional Education within five business days of receipt of the probation officer's request.
- C. The school division where the student was last enrolled ("sending school division") will maintain the student's scholastic record during the period that the student is in the custody of the Department of Juvenile Justice. The Department of Correctional Education will provide copies of year-end transcripts to the re-enrollment coordinator of the sending school division at the same time the transcripts are sent to parents or legal guardians.
- D. The transfer and management of scholastic records between educational programs shall be in accordance with the Code of Virginia and the Family Educational Rights and Privacy Act.
- E. School divisions shall provide current contact information for re-enrollment coordinators to the Departments of Education and Correctional Education that shall be made available to the public.



Virginia
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Town Hall

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Proposed Regulation Agency Background Document

Agency name	Virginia Department of Education (20)
Virginia Administrative Code (VAC) citation	8 VAC 20-660
Regulation title	Re-enrollment in Public Schools of Children in the Custody of the Department of Juvenile Justice
Action title	New regulation for re-enrollment planning
Document preparation date	February 2005

This information is required for executive review (www.townhall.state.va.us/dpbpages/apaintro.htm#execreview) and the Virginia Registrar of Regulations (legis.state.va.us/codecomm/register/regindex.htm), pursuant to the Virginia Administrative Process Act (www.townhall.state.va.us/dpbpages/dpb_apr.htm), Executive Orders 21 (2002) and 58 (1999) (www.governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html), and the *Virginia Register Form, Style and Procedure Manual* (http://legis.state.va.us/codecomm/register/download/styl8_95.rtf).

Brief summary

In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.

The regulation is new. The regulation provides a structured procedure for re-enrollment of students into the public schools when they have been in the custody of the juvenile justice system and receiving instruction through the Department of Correctional Education. The regulation would provide for the exchange of educational information concerning students among the Departments of Juvenile Justice and Correctional Education and the public school divisions. By establishing a process for exchange of student records, with procedures, responsibilities, and timelines delineated, re-enrollment and planning for the student's continued education can take place on a timely basis prior to a student's release from the juvenile justice system.

Basis

Please identify the state and/or federal source of legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly bill and chapter numbers, if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Authority from the Code of Virginia:

§ 22.1-17.1. The Board of Education, in cooperation with the Board of Correctional Education, shall promulgate regulations for the re-enrollment in the public school of children who have been in custody of the Department of Juvenile Justice. Such regulations shall include the components required in a re-enrollment plan and shall provide for consistency in the curricula, standards and policies between educational programs required by this title, and those of the Board of Correctional Education.

§ 22.1-343.5. The Board of Correctional Education shall have the following powers and duties: To promulgate regulations, in cooperation with the Board of Education, for the reenrollment in the public schools of students who have been in the custody of the Department of Juvenile Justice. Such regulations shall include the components required in a reenrollment plan and shall provide for consistency in the curricula, standards and policies between the educational programs required by this chapter, and those of the Board of Education

§ 16.1-293. The Department shall notify the school division superintendent in the locality where the juvenile was enrolled of his commitment to a facility. The court services unit shall, in consultation with the Department of Correctional Education, the local school division, and the juvenile correctional counselor, develop a reenrollment plan if the juvenile is of compulsory school attendance age or is eligible for special education services pursuant to § [22.1-213](#). The reenrollment plan shall be in accordance with regulations adopted by the Board of Education pursuant to § [22.1-17.1](#). The superintendent shall provide the juvenile's scholastic records, as defined in § [22.1-289](#), and the terms and conditions of any expulsion which was in effect at the time of commitment or which will be in effect upon release. A court may not order a local school board to reenroll a juvenile who has been expelled in accordance with the procedures set forth in § [22.1-277.06](#). At least fourteen days prior to the juvenile's scheduled release, the Department shall notify the school division superintendent in the locality where the juvenile will reside.

§ 16.1-287. Whenever the court commits a child to the Department of Juvenile Justice, or to any other institution or agency, it shall transmit with the order of commitment copies of the clinical reports, predisposition study and other information it has pertinent to the care and treatment of the child. The Department shall not be responsible for any such committed child until it has received the court order and the information concerning the child. All local school boards shall be required to furnish the Department promptly with any information from their files that the Department deems to be necessary in the classification, evaluation, placement or treatment of any child committed to the Department. The Department shall likewise be required to furnish local school boards academic, and career and technical education and related achievement information promptly from its files that the local school board may deem necessary when children are returned to the community from the Department's care. The Department and other institutions or agencies shall give to the court such information concerning the child as the court at any time requires. All such information shall be treated as confidential.

§ 22.1-289.E. Whenever the division superintendent is notified by the Department of Juvenile Justice, pursuant to § [16.1-287](#), the Department of Correctional Education, pursuant to § [22.1-344](#) of this title, or by a school division employee responsible for education programs in a local jail or a detention center, that a pupil who last attended a school within the school division is a pupil in a school of a juvenile correctional center of the Department of Juvenile Justice, or a pupil in an educational program in a local jail or

detention center, the school division superintendent or his designee shall transfer the scholastic record of such pupil to the designated juvenile correctional center or local jail or a detention center, as the case may be, within five work days. The Department of Correctional Education shall transfer the scholastic record of a student who has been discharged from a juvenile correctional center of the Department of Juvenile Justice to the relevant school division within five work days of the student's discharge.

The Board of Education shall adopt regulations concerning the transfer and management of scholastic records from one school division to another, to the learning centers of the Department of Juvenile Justice, and to educational programs in local jails and detention centers.

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal and the problems the proposal is intended to solve.

It is the intent of the Board of Education, through these regulations, to:

- Create a positive impact on the family, the student, court services, school divisions and correctional centers, as they are seeking to continue the student's education upon his or her release from a juvenile correctional center
- Provide for consistency in curricula, standards and policies between all educational programs
- Provide for the timely transfer of information between court services, school divisions and correctional centers
- Provide students with timely involvement in appropriate educational programs, both while in the correctional center and local school divisions upon release from the correctional center
- Encourage dissemination of information about, and increase public knowledge about, these regulations and the re-enrollment procedures overall
- Enhance communication, cooperation, and coordination of services among the public systems required to provide for the educational needs of juvenile parolees

It is the goal of the Board of Education, through these regulations, to identify and define the roles and responsibilities of the participants and the required components of the re-enrollment plan and its implementation. Improving the re-enrollment process should facilitate the attendance and continued educational progress of students.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (More detail about these changes is requested in the "Detail of changes" section.)

The proposed regulations are organized into five sections:

- The Foreword, which explains its purpose and goals

- Part I, which provides definitions of terms, such as “re-enrollment plan,” “re-enrollment team,” “scholastic record,” and “transition team”
- Part II, which presents the minimum components of the re-enrollment plan, including educational status of the student, recommendations for academic programs and student supports, re-entry goals, and timelines for: (1) notification of scheduled release or court review to the Department of Correctional Education and the receiving school division; (2) for re-enrollment; and (3) for school placement
- Part III, which delineates the re-enrollment process, procedures, and responsibilities of participating agencies, the re-enrollment and transition teams, and school divisions. The procedures include the notification and convening of teams, the development of the final re-enrollment plan, and the process of re-enrollment
- Part IV, which provides the procedures for the maintenance and transfer of the scholastic record

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.

The proposed regulations pose no disadvantage to the public or to the Commonwealth. The proposed regulations will specify the procedures for a smooth uninterrupted transition back into the public school system for students who have been in juvenile correctional centers and been receiving education from the Department of Correctional Education.

Enrollment of these students can be delayed and the completion of an academic program jeopardized if complete information about grades, courses, academic goals, needed support services, and other aspects of the student's experience with the Department of Correctional Education are not received within a time frame that would allow collaborative re-entry planning. Lack of planning can result in the failure of a student to receive the appropriate educational services in the public school. It is crucial that students are involved in an appropriate educational program while in correctional centers and upon release. The incidence of recidivism becomes greater when enrollment is not available soon after release. Improving the re-enrollment process should facilitate the attendance and continued educational progress of students.

Economic impact

Please identify the anticipated economic impact of the proposed regulation.

Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures	Enforcement of the regulation can be undertaken within existing agency budgets.
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Projected cost of the regulation on localities	Minimal
Description of the individuals, businesses or other entities likely to be affected by the regulation	Students in the juvenile justice system and their families or legal guardians School divisions and school personnel Departments of Juvenile Justice, Education, and Correctional Education
Agency's best estimate of the number of such entities that will be affected	All 132 school divisions and their schools could be affected by the proposed regulations. The regulations most likely will impact middle and high schools, and alternative schools, more than elementary schools. There are 305 middle schools and 293 high schools in the commonwealth. There are 16 alternative schools. During FY 2004, 669, or 61 percent, of the 1,091 juveniles released from juvenile correctional centers were under the age of 18.
Projected cost of the regulation for affected individuals, businesses, or other entities	Minimal

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

The alternative is to ignore the law as provided in Code § 22.1-17.1, which is not appropriate.

Public comment

Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.

A Task Force on Re-enrollment comprised of 16 members was convened and met to discuss re-enrollment and potential areas of concern on October 25, 2004. The members include a parent, an involved citizen, an advocate from JustChildren, a principal from the public schools, a principal from an alternative school, an administrator for student conduct (handles transition in the school division), a principal in a juvenile correctional center high school, parole officers, and representatives from the Department of Correctional Education (DCE), the Department of Juvenile Justice (DJJ), and the Department of Education (DOE).

The task force discussed the requirements of the Code, the work on re-enrollment planning and coordination that had been completed thus far, and the procedures that are currently in place for re-enrollment. Each person provided commentary about problems and issues from his or her perspective. The issues that affect the success of transitioning from the school division to the juvenile justice system and back into the school system in terms of continuity for the student's education included the following:

Parent involvement

Timeliness of transfers of information and need for more planning time for both the schools and DJJ

Consistency in school enrollment procedures, and designated and qualified personnel

Maintenance of student academic records by school divisions

Assignment of staff and designation of accountability for receiving the release packet and working with the student

Interagency communication, provision of access to records, and the agency Memorandum of Understanding

Overcoming enrollment barriers

Diagnosis and planning for placement based on facts not reactions

Commenter	Comment	Agency response
Task Force on Re-Enrollment (See above.)		Using the issues identified by the task force as a framework, a representative subcommittee of the full task force drafted the regulations, which were then circulated for review and comment to task force members. The proposed regulations reflect the consensus of the task force.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

The regulations should have a positive impact on the family since they address the continuance of the education of a child upon release from a juvenile correctional center to the public school system. The regulations speak specifically to parental involvement in re-enrollment planning, and should strengthen the rights of parents to participate and achieve objectives for the continuation of educational opportunities for their children upon release.

Detail of changes

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

For changes to existing regulations, use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale

The regulations are new.

The first section of the proposed regulations provides the legal authority for the Board of Education, in cooperation with the Board of Correctional Education, to promulgate the regulations. The section also provides the goals for the regulations and purpose. (See above.)

Part I of the proposed regulations provides the definitions of words and terms used in the regulations. The definition section is meant to provide clarity and explanations of the terms used. The definitions as presented follow.

“Educational programs” means educational programs that are designed to provide educational services to students who are subject to compulsory school attendance and are receiving such services in school divisions, juvenile correctional centers, jails, juvenile detention homes, or state operated programs.

“Final re-enrollment plan” means the written documentation developed by the receiving school division that addresses the student’s education program, placement, and support services upon re-enrollment.

“Preliminary re-enrollment plan” means the written documentation for a person to be released from Department of Juvenile Justice custody who is of compulsory school attendance age or is eligible for special education services pursuant to § [22.1-213](#) of the Code of Virginia. The plan describes the student’s educational history while in the custody of the Department of Juvenile Justice, current status, identification of school placement upon release, recommendations for an education program following re-enrollment, and recommendations for student supports, such as counseling services.

“Receiving school division” means the school division or state operated program where a student will enroll upon release from the custody of the Department of Juvenile Justice.

“Re-enrollment coordinator” means the school division or state operated program staff person designated to work with the parole officer, the Department of Correctional Education, the transition team, and the re-enrollment team to coordinate the development of the re-enrollment plan.

“Re-enrollment team” means the group convened by the division superintendent or designee of the receiving school division to prepare for and implement the re-enrollment of the student. The re-enrollment team shall include, at a minimum, the guidance counselor, the special education director as appropriate, the principal or assistant principal if designated, the re-enrollment coordinator, and the parole officer. The student’s parent(s) or legal guardians(s) and the school social worker or psychologist shall be invited to participate in meetings of the re-enrollment team.

“Scholastic record” means records that are directly related to a student and that are maintained by an educational agency or institution or by a party acting for the agency or institution. These include, but are not limited to, documentation pertinent to the educational growth and development of students as they progress through school, the high school transcript, student disciplinary records, achievement and test data, cumulative health records to include immunization records, reports of assessment for eligibility for special education services, and Individualized Education Programs (IEPs).

The term “scholastic record” does not include records of instructional, supervisory, administrative, and ancillary educational personnel that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person except a temporary substitute for the maker of the record. Also, in accordance with § 22.1-289 of the Code of Virginia, a notice of adjudication or conviction received by a superintendent relating to an incident that did not occur on school property or during a school-sponsored activity shall not be part of a student’s scholastic record.

“Transition team” means the Department of Correctional Education (DCE) principal or assistant principal, the DCE counselor, the DCE transition specialist, the Juvenile Correctional Center counselor, and the student’s parole officer. This team assembles the student’s scholastic record and other relevant documents, develops the preliminary re-enrollment plan, and provides information and the preliminary plan to the receiving school division. Transition team members may also include the school division of origin for the student, if different from the receiving school division, and the re-enrollment coordinator. Transition team members may also be part of the re-enrollment team.

Part II of the proposed re-enrollment regulations names the required components of the plan to ensure consistency. These components include, but are not limited to:

1. Educational status and recommendations at commitment
2. Educational status and recommendations of the Department of Correctional Education during the student’s stay at the Reception and Diagnostic Center
3. Educational status and recommendations while in the custody of the Department of Juvenile Justice
4. Educational and re-entry goals for the student
5. Other student supports needed to promote the student’s successful re-entry to public school, such as counseling services
6. Anticipated dates and timelines for scheduled release to the receiving school division or for court review of the case, and for re-enrollment
7. Establishment of school placement upon release

Part III of the proposed regulations prescribes the responsibilities of the participating parties in the transition of the student from the juvenile correctional system to the public schools and the process to be followed, including timelines. The section is necessary to ensure that the re-enrollment plan is developed on a timely basis with comprehensive information as the basis. The section also addresses the necessary communication that should take place between the participating agencies and school divisions, including the provision of records and collaboration on the development of the re-enrollment plan.

The proposed process and responsibilities are as follows:

A. Notification and Convening of Teams.

1. The Department of Juvenile Justice, through the Juvenile Correctional Center’s counselor, shall provide written notification to the Department of Correctional Education principal or designated educational authority at least 30 calendar days prior to the scheduled release of a student or a scheduled case review in court.
2. Upon notification, the transition team shall prepare and assemble the documents and scholastic record that support the development of the re-enrollment plan. Also upon notification, the Department of Correctional Education will provide a letter of pending release

and an informative outline of the re-enrollment process within five business days to the re-enrollment coordinator for the receiving school division and the student's parent(s) or guardian(s). The school division shall confirm receipt of notification with the Department of Correctional Education within five business days.

3. At least 25 calendar days prior to the court review or pending release of a student, and after review with the student, the Department of Correctional Education shall forward the student scholastic record and a preliminary re-enrollment plan to the school division re-enrollment coordinator.
4. Within 10 business days of receipt of the materials, the re-enrollment coordinator shall convene the re-enrollment team to review the preliminary re-enrollment plan and develop the final plan. The student's parent(s) or legal guardian(s) shall be invited by the re-enrollment coordinator to attend a meeting where the final re-enrollment plan will be developed. The parent(s) or legal guardian(s) may designate a member of the transition team, or someone else, to represent him or her at the meeting.
5. Notice of the scheduled meeting to develop the re-enrollment plan will be given to all potential participants by the receiving school division a minimum of one week prior to the meeting.
6. Other individuals who have knowledge or expertise regarding the student may participate, at the discretion of the members of the re-enrollment team or parent(s) or legal guardian(s), or if the student is of majority age and eligible for special education services, at the discretion of the student.

B. Development of Final Re-Enrollment Plan.

1. The re-enrollment team shall develop a final re-enrollment plan that clearly states:
 - a. The educational placement of the student and timeframe for placement
 - b. The names of persons with responsibility and authority for prompt enrollment and their contact information
 - c. The student's scheduled academic program and other supportive activities or services as appropriate
 - d. The names of the members of transition and re-enrollment teams
 - e. Any other required components
2. Copies of the final plan shall be provided to the student, parent(s) or legal guardian(s), and to all transition and re-enrollment plan members no later than 10 calendar days prior to release.

C. Re-enrollment.

1. The re-enrollment plan shall make it possible for the student to enroll and receive instruction in the receiving school district within two school days of release.
2. After the Department of Juvenile Justice gives notice of a student's scheduled release, the student may not be suspended or expelled from school programs for the offenses for which he or she was committed.
3. Placement of students in alternative education programs shall be in accordance with § 22.1-277.2 of the Code of Virginia.

Part IV of the proposed regulations provides the requirements for the maintenance and transfer of the student's scholastic record. This section ensures that the student's record will be readily available when release of a student is pending, and that it will be transferred among agencies and school divisions according to federal and state law. Maintenance of the record by the school division in which the student was last enrolled will ensure the documentation of progress of the student while instructed within the Department of Correctional Education schools. Timely transfer of records is critical to determining the academic program of the student, both when he or she enters the juvenile justice system and when the student is released back to a public school.

The requirements for maintenance and transfer of the student record are:

- A. Within two business days of the court's order of commitment to the Department of Juvenile Justice, the student's probation/parole officer will request the scholastic record from the school division where the student was last enrolled.
- B. The re-enrollment coordinator for that school division will provide the record and any other requested information to the Reception and Diagnostic Center to the attention of the Department of Correctional Education within five business days of receipt of the probation officer's request.
- C. The school division where the student was last enrolled ("sending school division") will maintain the student's scholastic record during the period that the student is in the custody of the Department of Juvenile Justice. The Department of Correctional Education will provide copies of year-end transcripts to the re-enrollment coordinator of the sending school division at the same time the transcripts are sent to parent or legal guardians.
- D. The transfer and management of scholastic records between educational programs shall be in accordance with the Code of Virginia and the Family Educational Rights and Privacy Act.
- E. School divisions shall provide current contact information for re-enrollment coordinators to the Departments of Education and Correctional Education that shall be made available to the public.

Board of Education Agenda Item

Item: B.

Date: February 23, 2005

Topic: First Review of a Request for a Waiver of a Provision of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*

Presenter: Mrs. Anne Wescott, Assistant Superintendent for Policy and Communications

Telephone Number: (804) 225-2403

E-Mail Address: Anne.Wescott@doe.virginia.gov

Origin:

 Topic presented for information only (no board action required)

 X Board review required by

 State or federal law or regulation

 X Board of Education regulation

 Other: _____

 Action requested at this meeting Action requested at future meeting: _____

(date)

Previous Review/Action:

 X No previous board review/action

 Previous review/action

date _____

action _____

Background Information:

The *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, in 8 VAC 20-131-100, set the requirements for instructional programs in secondary schools. The regulations specify that: "The secondary school shall provide each student a program of instruction in the academic areas of English, mathematics, science, and history/social science that enables each student to meet the graduation requirements described in 8 VAC 20-131-50 and shall offer opportunities for students to pursue a program of studies in academics, fine arts, and career and technical areas...."

The regulations also specify the minimum number of course offerings that must be available to provide students with opportunities to meet the requirements for graduation. Among those minimum course offerings is the requirement for a secondary school to offer a minimum of three course offerings in foreign language. Students seeking an Advanced Studies Diploma must earn a minimum of three units of credit in one foreign language or two units each of two foreign languages.

Summary of Major Elements:

At its meeting on September 22, 2004 the Board of Education reviewed a request from the school board of Fairfax County for approval of an alternative accreditation plan for three alternative high schools: Bryant

Alternative High School, Mountain View School, and Pimmitt Hills School. All of the schools offer programs designed to help students whose life circumstances could result or have resulted in an interruption of their education or in their dropping out of school. At that time, the day and evening programs serve, on average at each campus, over 400 students of diverse socioeconomic backgrounds, ethnic groups, and age levels. The school population consists of students who have been identified as being "at risk" due to serious life adversities or challenges. Students who enroll in the alternative high schools may be homeless; pregnant or teen parents, facing language barriers, combating poverty, recommended for exclusion/expulsion by the School Board, and/or fighting drug addiction. They may be older students who are returning to finish courses to earn a high school diploma, or students who need a flexible or extended program to accommodate their work or family requirements. An increasing number of students are refugees from war-torn countries who are still recovering physically, emotionally, and psychologically from unspeakable trauma. Many have experienced difficulties in traditional school settings as evidenced by poor academic achievement and/or a history of behavioral and disciplinary events. On average, 85% of the students work more than 20 hours per week in addition to going to school due to economic need. Approximately one third of the populations at the three schools are English Speakers of Other Languages (ESOL), and over 34 languages are routinely spoken by the student body at each of the three schools.

The alternative high schools follow essentially the same program of studies and standards-based curriculum used in all FCPS traditional high schools. Student achievement expectations outlined in the standards/program of studies remain exactly the same for all students whether they are in a traditional school or non-traditional schools. What makes these alternative schools unique is the design of the master schedule that can allow for additional learning time, a lower student/teacher ratio, and flexibility in scheduling. The schools operate on a "modified" 4X4 schedule with rolling enrollment that allows students to enter the program approximately every 2 weeks.

After further study of the alternative accreditation plan proposal, the school board decided that an alternative plan would not benefit the schools at this time and asked that its proposal be withdrawn. However, in an effort to strengthen the instructional program, it would be beneficial to the school if it was relieved of the requirement to provide three course offerings in foreign language since the vast majority of the students attending the schools come in as speakers of languages other than English and seek a Standard Diploma. The Standard Diploma does not require credit in foreign language. Thus, the school board is seeking a waiver of the requirement of 8 VAC 20-131-100.B. to provide three course offerings in foreign language. Students who wish to seek an Advanced Studies Diploma will be concurrently enrolled in another high school for foreign language instruction.

Superintendent's Recommendation: The Superintendent of Public Instruction recommends that the Board of Education waive first review and approve the request from the Fairfax County school board for a waiver of the requirement for a secondary school to offer a minimum of three course offerings in foreign language at three alternative high schools: Bryant Alternative High School, Mountain View School, and Pimmitt Hills School.

Impact on Resources: There is no impact on resources of the Department of Education.

Timetable for Further Review/Action: Staff of the Department of Education will notify the Fairfax County Public Schools of the Board of Education's action.

Board of Education Agenda Item

Item: C.

Date: February 23, 2005

Topic: First Review of Revisions of Industry, Professional, or Trade Association Certification Examinations and Occupational Competency Assessments to Meet the Requirements for the Board of Education's Career and Technical Education and Advanced Mathematics and Technology Seals and the Student-Selected Verified Credit.

Presenter: Dr. Linda Wallinger, Assistant Superintendent for Instruction

Telephone Number: 804-225-2034

E-Mail Address: Linda.Wallinger@doe.virginia.gov

Origin:

☐ Topic presented for information only (no board action required)

☒ Board review required by

☐ State or federal law or regulation

☒ Board of Education regulation

☐ Other:

☒ Action requested at this meeting ☐ Action requested at future meeting: ☐

Previous Review/Action:

☒ No previous board review/action

☐ Previous review/action

date

action

Background Information:

The *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, Requirements for graduation 8 VAC 20-131-50.I.3, provide students who demonstrate academic excellence and/or outstanding achievement the opportunity to earn a Board of Education's Career and Technical Education Seal.

8VAC 20-131-50.I.3 - "The Board of Education's Career and Technical Education Seal will be awarded to students who earn a Standard or Advanced Studies Diploma and complete a prescribed sequence of courses in a career and technical education concentration or specialization that they choose and maintain a "B" or better average in those courses; or (i) pass an examination in a career and technical education concentration or specialization that confers certification from a recognized industry, trade or professional association or (ii) acquire a professional license in that career and technical education field from the Commonwealth of Virginia."

The *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, Requirements for graduation 8 VAC 20-131-50.I.4, provide students who demonstrate academic excellence and/or outstanding achievement the opportunity to earn a Board of Education's Seal of Advanced Mathematics and Technology.

8VAC 20-131-50.I.4 - “The Board of Education’s Seal of Advanced Mathematics and Technology will be awarded to students who earn either a Standard or Advanced Studies Diploma and (i) satisfy all of the mathematics requirements for the Advanced Studies Diploma (four units of credit including Algebra II; two verified units of credit) with a “B” average or better; and (ii) either (a) pass an examination in a career and technical education field that confers certification from a recognized industry, or trade or professional association; (b) acquire a professional license in a career and technical education field from the Commonwealth of Virginia; or (c) pass an examination approved by the Board that confers college-level credit in a technology or computer science area.”

The *Regulations Establishing Standards for Accrediting Public Schools in Virginia* make the following provisions relative to students earning verified units of credit:

8VAC 20-131-110.B Standard and verified units of credit

...The Board may from time to time approve additional tests for the purpose of awarding verified credit. Such additional tests, which enable students to earn verified units of credit, must, at a minimum, meet the following criteria:

1. The test must be standardized and graded independently of the school or school division in which the test is given;
2. The test must be knowledge-based;
3. The test must be administered on a multi-state or international basis; and
4. To be counted in a specific academic area, the test must measure content that incorporates or exceeds the SOL content in the course for which verified credit is given.

8 VAC 20-131-50.B.4 (Footnote 5. and C.2, Footnote 5) Requirements for graduation

Verified Credits Required

Student Selected Test ⁵ 1

⁵ A student may utilize additional assessments for earning verified credit in computer science, technology, or other areas as prescribed by the Board in 8VAC 20-131-110.B.

The following table depicts action by the Board of Education to create and augment the list of certifications, assessments, and licensures available to students for student-selected verified credit, the Career and Technical Education Seal, and the Advanced Mathematics and Technology Seal.

Total Certifications, Assessments, and Licensures Available After Each Board Action (as additions and deletions were made)			
February, 2005			
Board Agenda Items for Credentialing	Student-Selected Verified Credit	Career and Technical Education Seal	Advanced Mathematics and Technology Seal
October 2000	na	63	26
April 2001	73	73	30
April 2002	84	84	40
May 2003	27	111	40
July 2003	121	121	55
February 2004	162	123	56
Proposed February 2005	160	113	47

Summary of Major Elements

The attached list of industry, professional, or trade association certifications meets the board's requirements as noted in 8 VAC 20-131-50.I.3, 8 VAC 20-131-50.I.4, 8 VAC 20-131-110.B, and 8 VAC 20-131-50.B.4 (Footnote 5. and C.2, Footnote 5) for the Career and Technical Education Seal, the Seal of Advanced Mathematics and Technology, and student-selected verified credit.

The attached list of occupational competency assessments meets the board's requirements as noted in 8 VAC 20-131-110.B and 8 VAC 20-131-50.B.4 (Footnote 5. and C.2, Footnote 5) for student-selected verified credit in career and technical education.

The **16** additional industry certification examinations in bold print have been identified as meeting criteria to satisfy requirements for the Career and Technical Education Seal and student-selected verified credit. **Eleven** of these examinations have been identified as meeting criteria to satisfy requirements for the Advanced Mathematics and Technology Seal. A list of previously approved examinations and recommended additional examinations is attached.

The **10** additional occupational competency assessments in bold print have been identified as meeting criteria to satisfy requirements for student-selected verified credit. It is recommended that the national norm for the identified occupational competency assessments be used to indicate pass proficiency.

Industry, professional, and trade association certifications are continually being revised or discontinued to stay current with technology and new techniques. These changes may be such that individual certifications are no longer available, no longer meet the Board of Education's criteria for diploma seals or student-selected verified credit, or require additional criteria such as work experience beyond high school. Changes have been made in **29** of the certifications that were previously approved by the board. A list of certification examinations that are recommended for deletion from the board-approved list is attached.

As a result of the proposed additions and deletions to this list there are:

- 160 credentials eligible for student-selected verified credit;
- 113 credentials eligible for the Career and Technical Education Seal; and
- 47 credentials eligible for the Advanced Mathematics and Technology Seal.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education waive first review and approve the revised list of industry certification examinations, occupational competency assessments, and licenses to meet the requirements for the Board of Education's Career and Technical Education and Advanced Mathematics and Technology Seals and the student-selected verified credit.

Impact on Resources:

Federal Carl Perkins funds may be used to help teachers and programs become certified.

Timetable for Further Review/Action:

After final approval, a Superintendent's Memorandum will notify school divisions of these additions to and deletions from the approved list of industry certifications, occupational competency assessments, and licenses.

Board of Education Approved Industry Certifications, Occupational Competency Assessments, and Licensures				
February 23, 2005				
Name of Credential	Issuing Organization	Meets Board of Education Criteria		
		Student Selected Verified Credit	Career and Technical Education Seal	Advanced Mathematics and Technology Seal
Agricultural Education				
Agriculture Mechanics Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
Air Cooled Gas Engine Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
Floriculture-Greenhouse Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
Forestry Products & Processing Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
Greenhouse Operators Certification Program	Southeast Greenhouse Growers Association	X	X	
Horticulture-Floriculture Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
Horticulture-Landscaping Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
Horticulture-Olericulture Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
Outdoor Power Equipment Certifications (Pass any one Outdoor Power Equipment exam)	Equipment and Engine Training Council	X	X	
Production Agriculture Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
Commercial Pesticide Applicator Certification	Virginia Department of Agriculture and Consumer Services	X	X	
Business and Information Technology				
Accounting-Basic	National Occupational Competency Testing Institute (NOCTI)	X		
Adobe Certified Expert (ACE)	Adobe Systems Incorporated	X	X	X
Brainbench Network Administration Certifications (Pass any one test in this category)	Brainbench	X	X	X
Brainbench Technical Support Certifications (Pass any one test in this category)	Brainbench	X	X	X
Brainbench Software Development Certifications (Pass any one test in this category)	Brainbench	X	X	X

Board of Education Approved Industry Certifications, Occupational Competency Assessments, and Licensures

February 23, 2005

Name of Credential	Issuing Organization	Meets Board of Education Criteria		
		Student Selected Verified Credit	Career and Technical Education Seal	Advanced Mathematics and Technology Seal
Brainbench Web Design and Development Certifications (Pass any one test in this category)	Brainbench	x	x	x
Brainbench Web Administration Certifications (Pass any one test in this category)	Brainbench	x	x	x
Brainbench Desktop Publishing Certifications (Pass any one test in this category)	Brainbench	x	x	x
Certification for Legal Professionals (ALS)	Associate for Legal Professional (NALS)	X	X	
Certified Internet Webmaster Associate	ProsoftTraining	X	X	X
Certified Internet Webmaster Associate: Internet Business Foundations Examination	ProsoftTraining	X	X	X
Certified Internet Webmaster Associate: Site Development Foundations Examination	ProsoftTraining	X	X	X
Certified Internet Webmaster Associate: Network Technology Foundations Examination	ProsoftTraining	X	X	X
Certified Internet Webmaster Professional	ProsoftTraining	X	X	X
Certified Novell Administrator (CNA)	Novell	X	X	X
Customer Support Specialist Certification	Help Desk Institute	X	X	X
Fundamentals of Wireless LANs Examination	Cisco Systems	X	X	X
International Computer Driving License	ICDL US	X	X	X
IC3 Certification	Certiport	X	X	X
iNet+ Certification	CompTIA	X	X	X
Java Programming Examination	Cisco Systems	X	X	X
Linux+ Certification	CompTIA	X	X	X
Macromedia Certified Professional	Macromedia	X	X	X
Master CIW Administrator Certification	ProsoftTraining	X	X	X
Master CIW Designer Certification	ProsoftTraining	X	X	X
Master CIW Enterprise Developer Certification	ProsoftTraining	X	X	X
Master CIW Web Site Manager Certification	ProsoftTraining	X	X	X
Microsoft Certified Applications Developer (MCAD)	Microsoft	X	X	X
Microsoft Certified Professional (Pass any one Microsoft Professional certification exam)	Microsoft	X	X	X
Microsoft Certified Systems Administrator (MCSA)	Microsoft	X	X	X
Microsoft Certified Systems Engineer (MCSE)	Microsoft	X	X	X
Microsoft Office Specialist (MOS)–(Pass any two unique MOS exams at the core level)	Microsoft	X	X	
Network+ Certification	CompTIA	X	X	X
Oracle Certified Professional (Pass any one Oracle Professional certification exam)	Oracle Corporation	X	X	X
Sun Certified Programmer for Java 2 Platform	Sun Microsystems	X	X	X

Board of Education Approved Industry Certifications, Occupational Competency Assessments, and Licensures				
February 23, 2005				
		Meets Board of Education Criteria		
Name of Credential	Issuing Organization	Student Selected Verified Credit	Career and Technical Education Seal	Advanced Mathematics and Technology Seal
Unix Examination	Cisco Systems	X	X	X
Web Design Examination	Cisco Systems	X	X	X
WOW Certified Apprentice Webmaster (CAW)	World Organization of Webmasters	X	X	X
WOW Certified Web Administrator Apprentice (CWAA)	World Organization of Webmasters	X	X	X
WOW Certified Web Designer Apprentice (CWDSA)	World Organization of Webmasters	X	X	X
WOW Certified Web Developer Apprentice (CWDVA)	World Organization of Webmasters	X	X	X
Family and Consumer Sciences				
Commercial Foods Assessment	National Occupational Competency Testing Institute (NOCTI)	x		
Early Childhood Care and Education Assessment	National Occupational Competency Testing Institute (NOCTI)	x		
Food Production Management and Services Assessment	National Occupational Competency Testing Institute (NOCTI)	x		
Hospitality Management--Food and Beverage Option Assessment	National Occupational Competency Testing Institute (NOCTI)	x		
Hospitality Management--Lodging Option Assessment	National Occupational Competency Testing Institute (NOCTI)	x		
ProStart Program Certification (Levels I and/or 2)	Education Foundation of the National Restaurant Association	x	x	
Retail Commercial Baking Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
START Certification (Hospitality Skills)	American Hotel and Lodging Association (AH&LA)	X	X	

Board of Education Approved Industry Certifications, Occupational Competency Assessments, and Licensures				
February 23, 2005				
		Meets Board of Education Criteria		
Name of Credential	Issuing Organization	Student Selected Verified Credit	Career and Technical Education Seal	Advanced Mathematics and Technology Seal
Health and Medical Sciences				
Certified Dental Assistant: Infection Control Examination (ICE)	Dental Assisting National Board, Inc.	X	X	
Certified Dental Assistant: Radiation Health & Safety Examination (RHS)	Dental Assisting National Board, Inc.	X	X	
Dental Assisting Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
Emergency Medical Technician	Department of Health, Office of Emergency Medical Services	X	X	
Health Assisting Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
Home Health Aide Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
Medical Assisting Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
National Health Care Foundation Skills Standards Assessment	National Occupational Competency Testing Institute (NOCTI)	x		
NRDA Certification (Dental Assisting)	National Allied Health Registry/National Association for Health Professionals	x	x	
NRDA Certification (Medical Assisting)	National Allied Health Registry/National Association for Health Professionals	X	X	
Nurse Aide	Virginia Board of Nursing	X	X	
Nursing Assisting Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
Radiology Safety Examination	Virginia Board of Dentistry	X	X	
Virginia Pharmacy Technician Examination	Virginia Board of Pharmacy	X	X	
Marketing Education				
Advanced Concepts of Business and Marketing Certification	ASK Institute (DECA/MarkED)	X	X	
Fundamental Concepts of Business and Marketing Certification	ASK Institute (DECA/MarkED)	X	X	

Board of Education Approved Industry Certifications, Occupational Competency Assessments, and Licensures				
February 23, 2005				
Name of Credential	Issuing Organization	Meets Board of Education Criteria		
		Student Selected Verified Credit	Career and Technical Education Seal	Advanced Mathematics and Technology Seal
Lodging Management Program Certification (Levels 1 and/or 2)	American Hotel and Lodging Association (AH&LA)	X	X	
National Professional Certification in Customer Service	National Retail Federation Foundation	X	X	
Retail Trades Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
Technology Education				
AutoCAD 2000 Certification	Brainbench	X	X	
AutoCAD 2002 Certification	Brainbench	X	X	
Electronic Technology Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
Manufacturing Technology Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
Pre-Engineering Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
Trade and Industrial Education				
A+ Certification	CompTIA	X	X	X
A+ Certification: Operating Systems Technologies Examination	CompTIA	X	X	X
A+ Certification: Core Hardware Examination	CompTIA	X	X	X
Access Certification	American Culinary Federation, Inc. (ACF)	X	X	
Advertising and Design Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
Air Conditioning Certification	HVAC Excellence	X	X	
Audio-Visual Communications Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
Automotive Technician Examination (ASE)–(Pass any one exam from Automobile Technician Test Series)	National Institute for Automotive Service Excellence	X	X	

Board of Education Approved Industry Certifications, Occupational Competency Assessments, and Licensures				
February 23, 2005				
		Meets Board of Education Criteria		
Name of Credential	Issuing Organization	Student Selected Verified Credit	Career and Technical Education Seal	Advanced Mathematics and Technology Seal
Automotive Youth Educational Systems (AYES) Exit Examinations (Pass any two AYES exit exams)	Automotive Youth Educational Systems	X	X	
BICSI Registered Installer Certification, Level 1	BICSI (International Telecommunications Association)	X	X	
Cabinetmaking Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
Carpentry Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
Carpentry, National Construction Career Test	National Center For Construction Education & Research (NCCER)	X	X	
Certified Computer Service Technician	Electronics Technicians Association, International (ETA)	X	X	X
Certified Electronics Technician Associate (CET)	Electronics Technicians Association, International (ETA)	X	X	
Certified Fiber Optics Installer (CFOI)	The Association of Communications & Electronics Schools, International	X	X	
Certified Satellite Dish Installer	Electronics Technicians Association, International (ETA)	X	X	
Cisco CCNA Academy End-of-Course Examinations (Pass any two end-of-course exams, Levels 1-4)	Cisco Systems	X	X	X
Cisco Certified Networking Associate (CCNA)	Cisco Systems	X	X	X
Collision Repair Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
Collision Repair and Refinishing Technician (ASE)-(Pass any one exam from Collision Repair & Refinish Test Series)	National Institute for Automotive Service Excellence	x	x	
Collision Repair/Refinishing Technology Assessment	National Occupational Competency Testing Institute (NOCTI)	x		
Commercial Air Conditioning Certification	HVAC Excellence	X	X	
Commercial Refrigeration Certification	HVAC Excellence	X	X	
Construction Electricity Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
Construction Masonry-Blocklaying Assessment	National Occupational Competency Testing Institute (NOCTI)	X		

Board of Education Approved Industry Certifications, Occupational Competency Assessments, and Licensures				
February 23, 2005				
		Meets Board of Education Criteria		
Name of Credential	Issuing Organization	Student Selected Verified Credit	Career and Technical Education Seal	Advanced Mathematics and Technology Seal
Construction Masonry-Bricklaying Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
Copper Based Cabling Certification	RBT Systems, Inc.	X	X	
Core: Introductory Craft Skills, National Construction Career Test	National Center For Construction Education & Research (NCCER)	X	X	
Cosmetology Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
Criminal Justice Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
Data Cabling Installer Certification (DCIC)	Electronics Technicians Association, International (ETA)	X	X	
Diesel Engine Mechanics Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
Drafter Certification	American Design Drafting Association	X	X	
Electric Heat Certification	HVAC Excellence	X	X	
Electrical Certification	HVAC Excellence	X	X	
Electrical Construction Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
Electrical, National Construction Career Test	National Center For Construction Education & Research (NCCER)	X	X	
Electronics Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
EPA Technician Certification (Levels I, II, or III)	Environmental Protection Agency (Authorized Entity)	X	X	
Fiber Optic Network Cabling Certification	RBT Systems, Inc.	X	X	
Fiber Optics Installer Certification	Electronics Technicians Association, International (ETA)	X	X	
Firefighter I Certification	Virginia Department of Fire Programs	X	X	
Gas Heat Certification	HVAC Excellence	X	X	
General Drafting and Design Assessment	National Occupational Competency Testing Institute (NOCTI)	x		
Graphic Communication Technology Assessment	National Occupational Competency Testing Institute (NOCTI)	x		
Graymark Cable Installation Certification	Graymark International	X	X	

Board of Education Approved Industry Certifications, Occupational Competency Assessments, and Licensures				
February 23, 2005				
Name of Credential	Issuing Organization	Meets Board of Education Criteria		
		Student Selected Verified Credit	Career and Technical Education Seal	Advanced Mathematics and Technology Seal
Heat Pump Certification	HVAC Excellence	X	X	
HVAC, National Construction Career Test	National Center For Construction Education & Research (NCCER)	X	X	
Installer (or Service) Core Certification (HVAC)	North American Technician Excellence, Inc. (NATE)	X	X	
IT Essentials 1 Examination (PC Hardware and Software)	Cisco Systems	X	X	X
IT Essentials 2 Examination (Network Operating Systems)	Cisco Systems	X	X	X
Light Commercial Heating & Air Conditioning Certification	Air Conditioning and Refrigeration Institute	X	X	
Machining Skills--Level I (Pass any one Machining (Level 1) examination with performance component)	National Institute for Metalworking Skills (NIMS)	X	X	
Masonry, National Construction Career Test	National Center For Construction Education & Research (NCCER)	X	X	
Metalworking and Fabrication Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
National Automotive Technicians Education Foundation (NATEF) End of Program Test Series Examinations (Pass any two NATEF, End of Program Test Series, exams)	National Automotive Technicians Education Foundation	X	X	
Oil Heat Certification	HVAC Excellence	X	X	
Parts Specialist (ASE)--(Pass any one exam from Parts Specialist Test Series)	National Institute for Automotive Service Excellence	X	X	
Plumbing, National Construction Career Test	National Center For Construction Education & Research (NCCER)	X	X	
Plumbing Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
Precision Machining Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
PrintED Certification	Graphic Arts Education and Research Foundation	X	X	
Residential Air-Conditioning and Heating Certification	Air Conditioning and Refrigeration Institute	X	X	
SENSE Training Program Certification (Level 1, Entry-level Welder)	American Welding Society (AWS)	X	X	

Board of Education Approved Industry Certifications, Occupational Competency Assessments, and Licensures				
February 23, 2005				
Name of Credential	Issuing Organization	Meets Board of Education Criteria		
		Student Selected Verified Credit	Career and Technical Education Seal	Advanced Mathematics and Technology Seal
Student Electronics Technician Certification (SET)	Electronics Technicians Association, International (ETA)	X	X	
Telecommunications Electronics Technician Certification	Electronics Technicians Association, International OETA)	x	x	
Television Broadcasting Assessment	National Occupational Competency Testing Institute (NOCTI)	x		
Visual Communications Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
Voice and Data Cabling Examination	Cisco Systems	X	X	X
Welding Assessment	National Occupational Competency Testing Institute (NOCTI)	X		
Welding, National Construction Career Test	National Center For Construction Education & Research (NCCER)	X	X	
License				
Barbers	Board of Barbers and Cosmetology (Virginia Department of Professional and Occupational Regulation)	X	X	
Cosmetology	Board of Barbers and Cosmetology (Virginia Department of Professional and Occupational Regulation)	X	X	
Nail Technician	Board of Barbers and Cosmetology (Virginia Department of Professional and Occupational Regulation)	X	X	
Real Estate Salesperson	Virginia Real Estate Board (Dept. of Professional & Occupational Regulation)	X	X	
Examination				
Advanced Placement Computer Science A	The College Board	Passing Score = 3		Passing Score = 3
Advanced Placement Computer Science AB	The College Board	Passing Score = 3		Passing Score = 3
College Level Examination Program (CLEP): Information Systems and Computer Applications	The College Board	Passing Score = 52		Passing Score = 52

Board of Education Approved Industry Certifications, Occupational Competency Assessments, and Licensures				
February 23, 2005				
Name of Credential	Issuing Organization	Meets Board of Education Criteria		
		Student Selected Verified Credit	Career and Technical Education Seal	Advanced Mathematics and Technology Seal
International Baccalaureate Computer Science (Standard Level)	The International Baccalaureate Organization	Passing Score = 3		Passing Score = 3
International Baccalaureate Computer Science (Higher Level)	The International Baccalaureate Organization	Passing Score = 3		Passing Score = 3
International Baccalaureate Information Technology in a Global Society (IB6613) (Standard Level)	The International Baccalaureate Organization	Passing Score = 3		Passing Score = 3
Note: New industry certification credentials and occupational competency assessments are printed in bold.				

Deletions to Board of Education's Approved Industry Certifications and Licenses		
(Updated February 23, 2005)		
Certifications	Issuing Organization	Deletions
Brainbench Adobe Illustrator Certification	Brainbench	Certification program has been re-organized.
Brainbench Adobe Photoshop Certification	Brainbench	Certification program has been re-organized.
Brainbench CorelDRAW Certification	Brainbench	Certification program has been re-organized.
Brainbench Dreamweaver Certification	Brainbench	Certification program has been re-organized.
Brainbench HTML Certification	Brainbench	Certification program has been re-organized.
Brainbench Java Fundamentals Certification	Brainbench	Certification program has been re-organized.
Brainbench Java2 Certification	Brainbench	Certification program has been re-organized.
Brainbench JavaScript Certification	Brainbench	Certification program has been re-organized.
Brainbench Macromedia FreeHand Certification	Brainbench	Certification program has been re-organized.
Brainbench MS FrontPage 2000 Certification	Brainbench	Certification program has been re-organized.

Deletions to Board of Education's Approved Industry Certifications and Licenses		
(Updated February 23, 2005)		
Certifications	Issuing Organization	Deletions
Brainbench Flash Certification	Brainbench	Certification program has been re-organized.
Brainbench Fireworks Certification	Brainbench	Certification program has been re-organized.
Brainbench C++ Fundamentals	Brainbench	Certification program has been re-organized.
Brainbench Visual C++	Brainbench	Certification program has been re-organized.
Brainbench C++	Brainbench	Certification program has been re-organized.
Brainbench Basic.NET	Brainbench	Certification program has been re-organized.
Brainbench Basic 6.0	Brainbench	Certification program has been re-organized.
Brainbench Visual Basic 6.0 Fundamentals	Brainbench	Certification program has been re-organized.
Brainbench Adobe PageMaker Certification	Brainbench	Certification program has been re-organized.
Brainbench Quark Xpress Certification	Brainbench	Certification program has been re-organized.
Clothing and Textiles Management and Production Assessment	National Occupational Competency Testing Institute (NOCTI)	Certification program has been re-organized.
Hospitality Skills Certification--Banquet Set-Up	American Hotel and Lodging Association (AH&LA)	Certification has been replaced by another designation.
Hospitality Skills Certification--Front Desk Agents	American Hotel and Lodging Association (AH&LA)	Certification has been replaced by another designation.
Hospitality Skills Certification--Bus Person	American Hotel and Lodging Association (AH&LA)	Certification has been replaced by another designation.
Hospitality Skills Certification--Restaurant Servers	American Hotel and Lodging Association (AH&LA)	Certification has been replaced by another designation.
Hospitality Skills Certification--Room Attendants	American Hotel and Lodging Association (AH&LA)	Certification has been replaced by another designation.
Hospitality Skills Certification--Reservationist	American Hotel and Lodging Association (AH&LA)	Certification has been replaced by another designation.
Law Enforcement Assessment	National Occupational Competency Testing Institute (NOCTI)	Certification has been replaced by another designation.
Practical Nursing	National Occupational Competency Testing Institute (NOCTI)	Certification has been replaced by another designation.

Board of Education Agenda Item

Item: _____ D. _____

Date: _____ February 23, 2005 _____

Topic: First Review of a Resolution to Grant the Superintendent of Public Instruction Authority to Approve the Issuance of Certain Licensure Requests on Behalf of the Board of Education

Presenter: Mr. Thomas M. Jackson, Jr., President of the Board of Education

Telephone Number: _____

E-Mail Address: _____

Origin:

_____ Topic presented for information only (no board action required)

X Board review required by

_____ State or federal law or regulation

X Board of Education regulation

_____ Other: _____

_____ Action requested at this meeting _____ Action requested at future meeting: _____ (date)

Previous Review/Action:

X No previous board review/action

_____ Previous review/action

date _____

action _____

Background Information:

The *Regulations Governing the Licensure of Instructional Personnel*, Sections 8 VAC 20-21-660 to 8 VAC 20-21-720 (effective July 1, 1998), outline the requirements for revocation, cancellation, suspension, denial, and reinstatement of teaching licenses.

Summary of Major Elements:

The *Regulations Governing the Licensure of Instructional Personnel* stipulate that the Board of Education may deny a teaching license for the following reasons:

1. Attempting to obtain such license by fraudulent means or through misrepresentation of material facts;
2. Falsification of records or documents;
3. Conviction of any felony;

4. Conviction of any misdemeanor involving moral turpitude;
5. Conduct, such as immorality, or personal condition detrimental to the health, welfare, discipline, or morale of students or to the best interest of the public schools of the Commonwealth of Virginia;
6. Revocation of the license by another state; or
7. Other good and just cause of a similar nature.

The attached resolution will allow the State Superintendent of Public Instruction the authority to approve the issuance of licenses for individuals who have misdemeanor convictions based on a review of the cases. No individual would be denied a license without a hearing of the Board of Education as required in Section 8 VAC 20-21-720 of the *Regulations Governing the Licensure of Instructional Personnel*.

Superintendent's Recommendation:

N/A

Impact on Resources:

The impact on resources will not change as a result of this action.

Timetable for Further Review/Action:

This recommendation will be presented to the Board of Education for final review at the March 23, 2005, meeting.

**Resolution of the Board of Education
to Grant the Superintendent of Public Instruction Authority
to Approve the Issuance of Certain Licensure Requests
on Behalf of the Board of Education**

***WHEREAS**, Section 22.1-298 of the Code of Virginia grants the Board of Education the authority to prescribe the requirements for the licensure of teachers; and*

***WHEREAS**, the Board of Education approves the Regulations Governing the Licensure of Instructional Personnel; and*

***WHEREAS**, the Regulations Governing the Licensure of Instructional Personnel stipulate that the Board of Education may deny a teaching license for the following reasons: 1. Attempting to obtain such license by fraudulent means or through misrepresentation of material facts; 2. Falsification of records or documents; 3. Conviction of any felony; 4. Conviction of any misdemeanor involving moral turpitude; 5. Conduct, such as immorality, or personal condition detrimental to the health, welfare, discipline, or morale of students or to the best interest of the public schools of the Commonwealth of Virginia; 6. Revocation of the license by another state; or 7. Other good and just cause of a similar nature; and*

***WHEREAS**, individuals who have been convicted of misdemeanors involving drugs or children must have their cases reviewed to determine if it is in the best interest of the individual and the public schools of the Commonwealth to issue the license;*

***NOW, THEREFORE, BE IT RESOLVED** that the Board of Education grants the State Superintendent of Public Instruction the authority to approve the issuance of licenses for individuals who have misdemeanor convictions involving drugs or children where, based on a review of the record of an applicant, the State Superintendent of Public Instruction finds that issuance of a license to such applicant is appropriate under the circumstances and that the applicant is otherwise qualified. No individual would be denied a license without a hearing by the Board of Education as required in Section 8 VAC 20-21-720 of the Regulations Governing the Licensure of Instructional Personnel.*

Adopted by the Board of Education, this ____ day of _____ in the Year 2005.

***Thomas M. Jackson, Jr., President
Board of Education***

Board of Education Agenda Item

Item: _____ E. _____

Date: _____ February 23, 2005 _____

Topic: First Review of a Recommendation to Continue Program Approval of the Teacher Preparation Program at Ferrum College

Presenter: Dr. Thomas A. Elliott, Assistant Superintendent, Division of Teacher Education and Licensure

Telephone Number: (804) 371-2522

E-Mail Address: Thomas A. Elliott@doe.virginia.gov

Origin:

_____ Topic presented for information only (no board action required)

X Board review required by

_____ State or federal law or regulation

X Board of Education regulation

_____ Other: _____

X Action requested at this meeting: Waive first review and approve request for accreditation.

_____ Action requested at future meeting: _____ (date)

Previous Review/Action:

X No previous board review/action

_____ Previous review/action

date _____

action _____

Background Information:

The Regulations Governing Approved Programs for Virginia Institutions of Higher Education, effective July 1, 2001, require colleges and universities that offer programs for the preparation of professional educators to obtain program approval from the Board of Education. In Virginia, the review and approval of programs is viewed as the shared responsibility of institutions of higher education, school divisions, and the Department of Education. Final approval rests with the Board of Education.

During the 1998 Session of the Virginia General Assembly, an amendment to current legislation mandated that “persons seeking initial licensure who graduate from Virginia institutions of higher education shall, on or after July 1, 2002, only be licensed as instructional personnel by the Board of Education if the endorsement areas offered at such institution have been assessed by a national

accrediting agency or by a state approval process, with final accreditation by the Board of Education.” “Accreditation” means a process for assessing and enhancing academic and educational quality through voluntary peer review. This process informs the public that an institution has a professional education unit or department that has met standards of educational quality.

The regulations governing approved programs define the standards that must be met and the review procedures that must be followed to obtain and maintain board approval. The regulations currently provide two options for the review of teacher education programs: 1) the state review process for which the college or university must meet the standards established by Board of Education regulations, and 2) the National Council for the Accreditation of Teacher Education (NCATE) process for which the college or university must meet the NCATE standards and the board’s teaching area requirements. In both, the institution hosts an on-site visit by a team of trained reviewers who develop a report of findings in which a recommendation is made with regard to the status of the program as approval for continued full accreditation, approval with stipulations, or program denial.

Summary of Major Elements

During spring 2004, six Virginia colleges and universities were scheduled for an on-site program review. Of the six, two were reviewed using the NCATE process and four were reviewed under the Board of Education process. Ferrum College was reviewed under the Board’s review procedures and with changes in personnel at the college following the review, the recommendation for action by the Advisory Board on Teacher Education and Licensure (ABTEL) was delayed.

The regulations governing approved programs set forth 20 standards in the following four categories:

- I. Program Design
- II. Faculty
- III. Candidates, and
- IV. Program Operation/Accountability.

The review team makes a recommendation of met or not met for each of the 20 standards. In addition, the team makes a recommendation of approved, approved with stipulations, or denied for the teacher preparation program as a whole. One of these three recommendations is made for each endorsement program offered by the institution.

The team recommendation for the Ferrum College teacher preparation program is that the program be approved with stipulations. As defined in the approved program regulations, a recommendation of approved with stipulations is made when the professional education program and the endorsement areas have met the standards minimally and significant weaknesses have been identified. The review team cited as not met five of the 20 standards.

The following weaknesses were included under these five standards:

Standard 4: The professional education unit ensures that candidates acquire and learn the knowledge and skills to become competent to work with a variety of students.

- There is insufficient evidence that the unit ensures that candidates acquire and learn the knowledge and skills to become competent to work with exceptional learners.
- The unit needs to provide more extensive training in the teaching of reading and language arts, especially to K-12 students who have difficulty learning to read, as well as in the assessment of student performance, the interpretation of data to direct differentiated instruction, and management of students.

Standard 12: The professional education unit ensures that candidates' competence to begin their professional role in schools is assessed prior to completion of the program or recommendation for licensure.

- More complete data for Praxis I and Praxis II assessments are needed.
- Exit criteria for candidates should involve assessments by faculty prior to the student teaching experience; educational competencies are not identified in a manner that is systematically assessed.

Standard 13: The professional education unit recruits, hires, and retains a highly qualified higher education faculty of diverse background who are teacher scholars, are qualified for their assignments and are actively engaged in the professional community.

- The number of faculty members holding a terminal degree (i.e., earned doctorate) in education is at an unacceptable level to maintain a quality teacher education program.

Standard 15: The professional education unit ensures that there are systematic and comprehensive activities to enhance the competence and intellectual vitality of the professional education faculty.

- Institutional support for faculty professional development is minimal. Sufficient monetary support and release/leave time for faculty to participate in professional development activities are not evident in program budget line items.

Standard 20: The professional education unit has adequate resources to offer quality programs that reflect the mission of the professional education unit and support teaching and scholarship by faculty and candidates.

- Faculty offices are not easily accessible to students, nor is there meeting space within the departmental area for candidates and teacher education faculty.

When approval with stipulations is recommended, the institution must submit a plan of corrective action to the Department of Education. Ferrum College has provided a response to the standards that were not met.

2002-2003 Praxis I: Reading, Writing, Mathematics Assessments for Program Completers

Ferrum College	PPST READING	CBT READING	COMPUTER-IZED PPST READING	PPST WRITING	CBT WRITING	COMPUTER-IZED PPST WRITING	PPST MATHEMATICS	CBT MATHEMATICS	COMPUTER-IZE DPPST MATHEMATICS	AGGREGATE-- BASIC SKILLS	AGGREGATE ACADEMIC CONTENT	SUMMARY TOTALS AND PASS RATES
Number Taking Assessment	1	8		2	7		1	8		9	7	9
Number Passing Assessment	*	*		*	*		*	*		*	*	*
Institutional Pass Rate	*	*		*	*		*	*		*	*	*

*At least ten (10) program completers must have taken the same assessment in an academic year for the data on the assessment to be reported by Educational Testing Service (ETS).

2002-2003 Praxis II Assessments for Program Completers

Ferrum College	No. of Students	Test Area	Number Passing	Pass Rate
	3	Elem. Ed. Content	*	*
	1	Math. Content	*	*
	3	Soc. Stud. Content	*	*
	2	Health & PE	*	*

*At least ten (10) program completers must have taken the same assessment in an academic year for the data on the assessment to be reported by Educational Testing Service (ETS).

2002-2003 Declaration of Admissions for Ferrum College (Praxis II Scores)

No. of Students	Test Area	Score/Score Range	% Pass
4	Elem. Ed.	157-164	100%
3	Health & PE	153-181	100%
3	Soc. Studies	183-187	100%
2	Math	149-153	100%
1	Art	166	100%

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education waive first review and approve with stipulations the teacher preparation program at Ferrum College with a detailed report of corrective action to be submitted by the college on or before May 23, 2005, (90 days) following action by the board.

Impact on Resources:

Expenses incurred during on site review of teacher education programs are funded by the hosting institution.

Timetable for Further Review/Action:

Teacher preparation programs reviewed under the state approval process are conducted on a five-year cycle. Programs that do not meet standards for continuing full approval may be reviewed as needed. Following submission of the detailed report of corrective action, an on site review of the program will be scheduled.

Board of Education Agenda Item

Item: _____ F. _____

Date: February 23, 2005

Topic: First Review of Praxis I Cut Scores Proposed by the Advisory Board on Teacher Education and Licensure (ABTEL)

Presenter: Dr. Thomas A. Elliott, Assistant Superintendent for Teacher Education and Licensure

Telephone Number: 804/371-2522

E-Mail Address: thomas.elliott@doe.virginia.gov

Origin:

_____ Topic presented for information only (no board action required)

☒ Board review required by

☒ State or federal law or regulation

 _____ Board of Education regulation

 _____ Other: _____

☒ Action requested at this meeting _____ Action requested at future meeting: _____ (date)

Previous Review/Action:

_____ No previous board review/action

☒ Previous review/action

 date: September 22, 2004

 action: Board deferred discussion of ABTEL's recommendation to a future meeting.

Background Information:

The 1980 session of the General Assembly mandated that the Board of Education identify and recommend an assessment for beginning teachers. On July 1, 1980, the Board of Education instituted a requirement that all beginning teachers applying for initial licensure submit scores for the National Teacher Examinations (NTE). In 1981 the board authorized validation and standard-setting studies for the NTE to determine passing scores for initial licensure of entry-level teachers. From July 1, 1981, until June 30, 1986, applicants were required to take the NTE to receive a license. Qualifying scores were established and, effective July 1, 1986, each beginning teacher was required to submit passing scores for each of the three Core Battery tests (General Knowledge, Communication Skills, and Professional Knowledge) and the Specialty Area test in his/her teaching area. From 1981 to 1996 the prescribed assessment was the NTE.

The Educational Testing Service (ETS) introduced in the fall of 1993 a new generation of teacher assessments, The Praxis Series: Professional Assessments for Beginning Teachers™. The Praxis Series replaced the NTE as the standard examinations used in the process for licensing teachers. The Praxis Series provides a continuum of assessments from entry into a teacher preparation program to actual practice in the classroom.

Standard-setting and validation studies for Praxis I were conducted on May 4 and 5, 1994, by ETS in coordination with the Virginia Department of Education. Thirty-three panelists participated in the studies. The panel of Virginia educators considered the Praxis I Mathematics, Reading, and Writing tests. Based on the validation and standard-setting panels, the following scores were recommended: Reading: 176; Writing: 173; and Mathematics: 175.

At its October 26, 1995, meeting the Board of Education selected passing scores one and a half to two Standard Errors of Measurement above the study panel recommendation for the Praxis I PPST (Pre-Professional Skills Tests) and approved the following passing scores for Virginia:

Reading:	178
Writing:	176
Mathematics:	178

These scores established by the Board of Education continue to be the highest qualifying scores for Praxis I among states (and the District of Columbia, Virgin Islands, Guam, and the Department of Defense Dependent Schools) using this assessment. The board approved the use of Praxis I and II tests; however, Praxis III was not adopted for statewide use.

On April 26, 2001, the Board of Education approved a policy allowing a composite score to satisfy the Praxis I requirement. Individuals may meet the Praxis I assessment requirement by achieving the scores established by the Board of Education on October 26, 1995, on each of the three Praxis I tests – Writing, Reading, and Mathematics – **or** by achieving an established composite score on all three tests. The qualifying scores for each of the individual tests and the composite score for the PPST are as follows:

VIRGINIA'S PRAXIS QUALIFYING SCORES

<u>Praxis I</u>	<u>Reading</u>	<u>Writing</u>	<u>Mathematics</u>	<u>Composite</u> <u>Score</u>
PPST	178	176	178	532

On March 24, 2004, the Board of Education approved the use of the SAT® as a substitute test for Praxis I (Reading, Writing, and Mathematics) required for initial licensure. The board approved a score of **1000** on the SAT, taken prior to April 1, 1995, with at least **450** on the verbal and **510** on the mathematics tests or a score of **1100** on the SAT, taken after April 1, 1995, with at least **530** on the verbal and **530** on the mathematics tests as a substitute for Praxis I. The SAT® was approved as a substitute test **only** for Praxis I; individuals also must meet the Praxis II (subject area assessment) for initial licensure.

Summary of Major Elements

The Advisory Board on Teacher Education and Licensure (ABTEL) received the Re-validation and Standard-Setting Study. On September 13, 2004, the advisory board reviewed the Re-validation and Standard-Setting Study and voted to recommend to the Board of Education the following cut scores for Praxis I:

Reading	178
Writing:	177
Mathematics:	<u>175</u>

Composite: 530

Superintendent Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education waive first review and adopt ABTEL's proposed cut scores for Praxis I. The Superintendent of Public Instruction further recommends that the board authorize the Department of Education to align the previously approved SAT and ACT scores with the proposed Praxis I scores.

Impact on Resources: N/A

Timetable for Further Review/Action: N/A

Board of Education Agenda Item

Item: G.

Date: February 23, 2005

Topic: Report on K-12 Legislation Considered by the 2005 General Assembly

Presenter: Ms. Anne Wescott, Assistant Superintendent for Policy and Communications

Telephone Number: (804) 225-2403

E-Mail Address: Anne.Wescott@doe.virginia.gov

Origin:

☒ Topic presented for information only (no board action required)

☐ Board review required by

☐ State or federal law or regulation

☐ Board of Education regulation

☐ Other: _____

☐ Action requested at this meeting ☐ Action requested at future meeting: _____

(date)

Previous Review/Action:

☒ No previous board review/action

☐ Previous review/action

date _____

action _____

Background Information:

The Department of Education is tracking about 150 bills and resolutions that affect K-12 education, and that were introduced in the 2005 Session of the General Assembly. At crossover, approximately half of those bills and resolutions were still viable. The Session is scheduled to end on February 26. The veto session is scheduled for April 16.

Summary of Major Elements:

The following bills (as of February 14, 2005) would either require action by the Board of Education, or would be of interest to the Board:

Standards of Quality and Standards of Accreditation

- HB 1762 (Dillard) and SB 779 (Potts) are the bills containing the Board's recommended revisions to the Standards of Quality.

- SB 1045 (Wagner) would codify the provision that industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board of Education may be substitute tests for which students may earn verified units of credit.
- SJR 403 (Wagner) would request the Board to examine the suitability of additional industry testing programs that could be used as substitute tests for students to earn verified units of credit for graduation, and determine how to increase the emphasis on career and technical education as it reviews and revises the Standards of Accreditation.

No Child Left Behind Act

- HB 2602 (Landes) would require the Board to examine the fiscal and other implications for the Commonwealth and local governments should Virginia withdraw from participation in the federal No Child Left Behind Act.
- SB 1136 (Hanger) would require the Board to seek certain waivers to the No Child Left Behind Act in areas in which the Commonwealth is already substantially in compliance with the spirit and intent of the federal act.

Students

- HB 1573 (Albo) would require the model Student Conduct Guidelines to address policies that would prohibit or reduce incidents of gang activity and similar illegal behavior.
- HB 1912 (Cole) would require the Board, in its Pledge of Allegiance guidelines, to include provisions addressing parental notification for minor students who decline to stand or to recite the Pledge.
- HB 2266 (Bell) and HB 2879 (Marshall) would require the model Student Conduct Guidelines to address bullying, and would require the reporting of bullying to law enforcement by the local school divisions. Parents would be advised that they could contact local law enforcement for further information.
- SB 717 (Edwards) would specify that character education programs may include opportunities for voluntary participation in community service activities pursuant to guidelines developed by the Board of Education.
- SB 880 (Obenshain) would incorporate the concept of chronic tardiness into the compulsory school attendance law. It would require the Board of Education to promulgate regulations defining "chronically tardy" to identify those children who are in violation of compulsory school attendance by reason of being habitually and without justification absent from school for a significant portion of the day because of routine and substantial late arrival to school.

Teachers and Administrators

- HB 2790 (Frederick) would codify the provision that persons seeking initial licensure as teachers through an alternative route could substitute work experience for required coursework.
- HB 2832 (Marshall) would provide that a student who is a member of a school athletic team and who uses anabolic steroids, unless prescribed by a licensed physician for a medical condition, is ineligible to compete in interscholastic athletic competition for two years. It would require the Board to suspend or revoke the license issued to any person who knowingly and willfully with the intent to compromise the outcome of an athletic competition procures, sells, or administers anabolic steroids or causes such drugs to be procured, sold, or administered to a student who is a member of a school athletic team, or fails to report the use of such drugs by a student to the school.

- SB 979 (Potts) would allow for licensure by reciprocity for individuals with a valid out-of-state license. No professional teacher's assessment or service requirements would be required. The bill would also allow individuals who have completed a state-approved teacher preparation program from a regionally accredited four-year college or university outside the Commonwealth to be eligible for licensure through reciprocity.
- SB 1285 (Whipple) would establish a goal of the Commonwealth that the average salary for Virginia public school teachers equal or surpass the national average salary for public school teachers. The bill would also require teachers under continuing contract status to be evaluated every three years.
- SJR 428 (Watkins) would request the Board to include the mathematics specialist endorsement in the Licensure Regulations for School Personnel.

Other Board Matters:

- HB 1769 (Dillard) would create a 23-member Commission on Civics Education, comprised of the Governor, Lieutenant Governor, legislators, executive branch officials, and citizens, and staffed by the Department of Education. The commission would (i) identify civic education projects in the Commonwealth and provide technical assistance, (ii) build a network of civic education professionals to share information and strengthen partnerships, and (iii) make recommendations to the Board of Education regarding revisions to the Standards of Learning for civics and government.
- SB 711 (Houck) and SB 1196 (Newman) would amend the Freedom of Information Act to reduce the notice required for electronic communication meetings from 30 days to seven working days; eliminate the 25 percent limitation on the number of electronic meetings held annually; and allow for the conduct of closed meetings during electronic meetings.
- SB 770 (Bell) would institute annual salaries of \$6,000 for members of the Board of Education and \$9,000 for the Board president, effective July 1, 2006.

Superintendent's Recommendation: N/A

Impact on Resources: N/A

Timetable for Further Review/Action: Those bills and resolutions that require action by the Board of Education will be brought to the Board later this year.

Board of Education Agenda Item

Item: _____ H. _____

Date: _____ February 23, 2005 _____

Topic: Report from the Board of Education's Charter School Application Review Committee on a Proposed Public Charter School Application

Presenter: Mrs. Eleanor Saslaw, Board of Education Member and Chair of the Charter School Application Review Committee

Origin:

_____ Topic presented for information only (no board action required)

X Board review required by

X State or federal law or regulation

_____ Board of Education regulation

_____ Other: _____

_____ Action requested at this meeting _____ Action requested at future meeting: _____

Previous Review/Action:

X No previous board review/action

_____ Previous review/action

date _____

action _____

Background Information: Section 22.1-212.9 of the *Code of Virginia* provides that a public charter school applicant may submit its proposed charter application to the Board of Education for review and comment. The law stipulates that the board shall examine the application for feasibility, curriculum, and financial soundness. At its July 21, 2004, meeting, the Board of Education adopted a process and approved criteria for examining charter school applications. As part of the process, a committee was established to evaluate applications based on the established criteria. The committee is required to submit a report to the Board of Education.

Summary of Major Elements: The Charter School Application Review Committee met on January 19, 2005, to examine the public charter school application submitted by The Waddell International Academy in Danville, Virginia. The committee reviewed the application based on the criteria established by the Board and stipulated in the law. Attachment A contains the summary report prepared by the committee.

Superintendent's Recommendation: N/A

Impact on Resources: There is a minimum impact on resources. The agency's existing resources can absorb costs at this time.

Timetable for Further Review/Action: Following the Board of Education's receipt of the summary report, a full report will be transmitted to the Waddell International Academy in Danville.

**Virginia Board of Education's
Charter School Application Review Committee**

**Summary Report for Application Submitted by
The Waddell International Academy
Danville, Virginia**

February 23, 2005

The Charter School Application Review Committee met on January 19, 2005, to examine the public charter school application submitted by The Waddell International Academy in Danville, Virginia. The committee reviewed the application, for the following criteria established by the Board of Education and stipulated in the *Code of Virginia*: 1) feasibility, 2) curriculum, and 3) financial soundness. A summary report of the committee's findings is submitted below.

Area 1: Feasibility

Under the area of feasibility, the applicant addressed the four required topics. These topics were: 1) mission statement; goals and educational objectives that meet or exceed the Standards of Learning; 3) evidence of support from parents, teachers, pupils, and residents of the school division in support of the formation of the charter school; and 4) statement of need. The committee made suggestions for the applicant in each of these areas.

Area 2: Curriculum

Under the area of curriculum, the applicant addressed the four required topics. These topics were: 1) the public charter school's educational program; 2) pupil performance standards; 3) pupil evaluation including assessments, timeline, and corrective action; and 4) a timeline for the achievement of the stated standards and goals and a procedure for corrective action if student performance falls below the stated standards and goals. The committee made suggestions for the applicant in each of these areas.

Area 3: Financial Soundness

Under the area of financial soundness, the applicant addressed the one required topic: the financial plan that included evidence of economical soundness, the proposed budget, and annual audit. The committee made suggestions for the applicant in this area.

Board of Education Agenda Item

Item: _____ I. _____

Date: February 23, 2005

Topic: Report from the 2004-2005 Student Advisory Committee

Presenters: Mrs. Isis M. Castro and Mrs. Eleanor B. Saslaw, Members of the Board of Education and Sponsors of the Student Advisory Committee

Origin:

X Topic presented for information only (no board action required)

_____ Board review required by
_____ State or federal law or regulation
_____ Board of Education regulation
_____ Other: _____

_____ Action requested at this meeting

_____ Action requested at future meeting: Final report and recommendations will be presented at the April 20-21, 2005, Board of Education meeting

Previous Review/Action:

X No previous board review/action

_____ Previous review/action
date: _____
action: _____

Background Information: Members of the 2004-2005 Student Advisory Committee were selected from more than 100 nominations received in October 2004 from the public middle and high schools across the state. Each school was eligible to nominate one student for consideration. The nominees then had to complete an application packet that included letters of recommendation and essays. Representatives of the Board of Education reviewed all applications and selected the 12 students to be named to the committee. The new members were notified in November 2004.

The membership of the Student Advisory Committee is set forth in Article X of the Board of Education's bylaws. Of the 12 members of the Student Advisory Committee, eight high school students were selected to represent the Department of Education's eight Superintendents' Study Group regions, and four middle school students were selected at-large (see attached membership list).

Summary of Major Elements: During the first meeting in December 2004, the members of the Student Advisory Committee discussed a broad spectrum of issues and concerns for students in the public schools across the state. From this discussion, the committee members selected three topics for in-depth study and divided into small work groups focused on the three topics.

At the committee's second meeting on February 22, 2005, the members continued their discussions and formulated preliminary findings.

At the February 23rd Board of Education meeting, the members of the Student Advisory Committee will be introduced and will present a summary of the topics selected for in-depth study.

Superintendent's Recommendation: N/A

Impact on Resources: N/A

Timetable for Further Review/Action: The Student Advisory Committee is scheduled to present its final report and recommendations to the Board of Education at the April 2005 meeting.

Members of the 2004-2005 Student Advisory Committee

Ashley Beaudin
James Wood High School
Frederick County

Patricia Castillo
Denbigh High School
Newport News City

Liz Chassey
Prince Edward Middle School
Prince Edward County

Jonté Craighead
The Gereau Center
Franklin County

Ginny Fuller
Monacan High School
Chesterfield County

Richard Ingebresten
Battlefield Middle School
Spotsylvania County

Lori Lippman
Albert Hill Middle School
Richmond City

Katie Logan
Luray High School
Page County

Katelyn Mendoza
Monticello High School
Albemarle County

Molly Rubin
Kempsville High School
Virginia Beach City

Jessica Schatz
Courtland High School
Spotsylvania County

Thomas Webb
Graham High School
Tazewell County

Board of Education Agenda Item

Item: J.

Date: February 23, 2005

Topic: Report on Status of Proposed Amendments to Virginia's Consolidated State Application Accountability Plan Required in the *No Child Left Behind Act of 2001*

Presenter: Dr. Patricia I. Wright, Deputy Superintendent

Telephone Number: (804) 225-2979

E-Mail Address: Patricia.Wright@doe.virginia.gov

Origin:

☒ Topic presented for information only (no board action required)

☐ Board review required by

☐ State or federal law or regulation

☐ Board of Education regulation

☐ Other: _____

☐ Action requested at this meeting ☐ Action requested at future meeting: _____ (date)

Previous Review/Action:

☐ No previous board review/action

☒ Previous review/action

date January 19, 2005 action Board approved proposed amendment/waiver requests

Background Information:

The *No Child Left Behind Act of 2001* (NCLB), which is a reauthorization of the Elementary and Secondary Education Act (ESEA), requires all state educational agencies (SEA) to submit for approval to the United States Department of Education (USED) individual program applications or a consolidated state application. A major component of the consolidated application is Virginia's Consolidated State Application Accountability Workbook that describes a single statewide accountability system for the commonwealth. The accountability workbook that describes the policies and procedures that were used to determine Adequate Yearly Progress (AYP) ratings for the 2003-2004 school year are described in the amended workbook dated May 26, 2004.

States are permitted to revise their Consolidated State Application Accountability Workbook by submitting requests for review and approval to USED. Guidance from USED suggests an April 1 deadline for requesting changes that would impact AYP determinations in the current academic year. Based on two years of implementing NCLB, the Virginia Department of Education has identified certain procedures in implementing AYP policies that may result in unintended consequences.

At its January 19, 2005, meeting the Virginia Board of Education adopted proposed amendments to the Consolidated State Application Accountability Plan (amended May 26, 2004) required in the *No Child Left Behind Act of 2001* (NCLB). On January 20, 2005, President of the Board Thomas M. Jackson

communicated the board's actions to the United States Department of Education (USED) and asked USED to approve the requests as specific waivers permitted in Section 9401 of the federal law.

The statutory authority that permits states to request, and the U.S. Secretary of Education to approve, waivers to requirements in NCLB is found in Section 9401 of the federal law:

"SEC. 9401. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

(a) IN GENERAL- Except as provided in subsection (c), the Secretary may waive any statutory or regulatory requirement of this Act for a State educational agency, local educational agency, Indian tribe, or school through a local educational agency, that —

(1) receives funds under a program authorized by this Act; and

(2) requests a waiver under subsection (b)."

Virginia's proposed waiver requests are categorized into five major areas:

- (1) application of the "other academic indicator" (in addition to performance and participation on the reading and mathematics tests) that is used to make AYP determinations when safe harbor is not invoked,
- (2) how states determine if a school or school division makes AYP and enters improvement status,
- (3) use of test scores from multiple administrations,
- (4) testing and AYP calculation policies for limited English proficient students, and
- (5) testing and AYP calculation policies for students with disabilities.

Summary of Major Elements:

On January 28, 2005, President Jackson, Superintendent of Public Instruction Jo Lynne DeMary, and Deputy Superintendent Patricia Wright met with Assistant Secretary of Education Ray Simon and the new Secretary of Education's Chief of Staff David Dunn to discuss Virginia's waiver requests. During that meeting, USED officials described Virginia's requests in one of three categories: policy, regulatory, or statute. On February 1, 2005, USED sent a letter to President Jackson indicating the "graduation rate" amendment to be acceptable and the "new minimum n" amendment to be acceptable with modifications. A copy of the letter is attached. Both of these requests were considered USED policy interpretations and did not require a waiver of regulation or statute. The letter stated USED would get back with Virginia on the remaining amendment/waiver requests as soon as they reach a decision on their acceptability.

Superintendent's Recommendation: N/A

Impact on Resources: The Virginia Department of Education is working with a consortium of the Council of Chief State School Officers (CCSSO) to identify the cost of implementing NCLB.

Timetable for Further Review/Action: Upon USED approval, Virginia plans to implement the proposed amendments/waivers in determining AYP and improvement status of schools and divisions based on the 2004-2005 test administration.



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

FEB - 1 2005



The Honorable Thomas M. Jackson, Jr.
President
Virginia Board of Education
227 North Main Street
Hillsville, Virginia 24343

Dear President Jackson:

I appreciate your candid explanation of Virginia's amendment request during our meeting last Friday. The conversation I shared with you, Dr. DeMary and Dr. Wright deepened my understanding of why Virginia makes the requests that you have submitted. The information in this letter presents feedback from Department staff and reflects the No Child Left Behind Act of 2001 (NCLB) and final U.S. Department of Education (ED) regulations. As we discussed, a couple of the amendments you requested can be approved as submitted, or with slight modifications. I have listed those below and will address all other amendments in separate correspondence once they have been given full consideration.

Acceptable amendment

We have reviewed your request to amend the Virginia accountability plan that was fully approved on July 8, 2004, and found the following amendment acceptable:

- Graduation rate - Virginia requests that for purposes of calculating graduation rate, the standard number of years be determined by a student's individualized education plan (IEP) for a student with disabilities, and a limited English proficient (LEP) student's school-based LEP team. Any changes in Virginia's workbook should reflect how the standard number of years will be documented in these cases.

Acceptable amendment with modifications

The following amendment may be acceptable with modifications:

- New minimum "n" - Virginia requests to change the minimum subgroup size at the division and state level only to 50 students or 1 percent of the enrolled student population, whichever is greater. This may be an acceptable amendment if it also applied to schools, pending a review of impact data. Neither statute nor regulations allow for a different n-size at the division versus the school level. Please provide my staff with data showing the impact of this proposal on subgroup inclusion.

Thank you for the opportunity to review the proposed amendments to your State accountability plan. I look forward to our continued conversations regarding the other requests you have made. As soon as we have reached a decision on their acceptability, I will contact you with further instructions on submitting an amended accountability workbook. My staff and I are willing to discuss these decisions with you in greater detail. Darla Marburger (Darla.Marburger@ed.gov) or Carlos Martinez (Carlos.Martinez@ed.gov) can answer any questions you might have about these issues and how we can help you through this process. We hope this information will be useful to the Virginia Department of Education as it refines its accountability system to ensure that no child is left behind.

Sincerely,



Raymond Simon

cc: Governor Mark Warner

Dr. Jo Lynne DeMary, Superintendent of Public Instruction